

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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FIRSTSTORM PARTNERS 2, LLC,

Plaintiff,

-against-

KAYE VASSEL and PAUL VASSEL,

Defendants.

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**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

10-CV-2356(KAM)(RER)

**KIYO A. MATSUMOTO, United States District Judge:**

On May 24, 2010, Greystone Bank ("Greystone") commenced this action against defendants Kaye Vassel and Paul Vassel (together, "defendants") to foreclose on a first mortgage lien on certain real property designated as Block 10188, Lot 45 with an address of 109-18 Merrick Boulevard, Jamaica, New York (the "Property"). (See generally ECF No. 1, Complaint filed 5/24/2010 ("Compl.").) On September 22, 2011, Greystone filed a motion for summary judgment, which defendants did not oppose. (ECF No. 30, Motion for Summary Judgment, filed 9/22/2011.) Following the acquisition of the Note and Mortgage at issue in this action by FirstStorm Partners 2, LLC ("FirstStorm" or "plaintiff"), FirstStorm was substituted for Greystone as plaintiff in the action. (Order Granting Motion to Substitute Party, dated 10/26/2011.)

Presently before the court is a Report and Recommendation issued by Magistrate Judge Ramon E. Reyes, Jr. on March 8, 2012, recommending that this court grant plaintiff's motion for summary judgment in its entirety and dismiss defendants' counterclaims in their entirety. (*See generally* ECF No. 39, Report and Recommendation, dated 3/8/2012 ("R&R").)

The Report and Recommendation directed plaintiff to serve a copy of the Report and Recommendation on defendants at their last-known address, and to promptly file proof of service with the Clerk of the Court. (*Id.* at 18.) Plaintiff sent a copy of the Report and Recommendation to defendants via certified mail on March 8, 2012 and filed a declaration of service on the same date. (ECF No. 40, Certificate of Service, dated 3/8/2012.)

As explicitly noted at the end of the Report and Recommendation, any objections to the Report and Recommendation were to be filed within 14 days of receipt of the Report and Recommendation. (ECF No. 39, R&R at 18.) The statutory period for filing objections has expired, and no objections to Magistrate Judge Reyes's Report and Recommendation have been filed.

In reviewing a Report and Recommendation, the district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Where no objection to the Report and

Recommendation has been filed, the district court "need only satisfy itself that that there is no clear error on the face of the record." *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

Upon a careful review of the submissions and the Report and Recommendation, and considering that defendants have failed to object to any of Magistrate Judge Reyes's thorough and well-reasoned recommendations, the court finds no clear error in Magistrate Judge Reyes's Report and Recommendation and hereby affirms and adopts the Report and Recommendation in its entirety as the opinion of the court.

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**CONCLUSION**

For the foregoing reasons, the court grants summary judgment to plaintiff against all defendants. Accordingly, the court orders the foreclosure and sale of the Property designated as Block 10188, Lot 45 with an address of 109-18 Merrick Boulevard, Jamaica, New York.

In addition, the court directs plaintiff to serve and file, by June 1, 2012, supporting documentation and calculations to enable the court to assess the amount due and outstanding under the Note and Mortgage, the interest accrued, and any other relief sought by plaintiff. Any defendants who wish to respond to plaintiff's submissions shall do so by June 8, 2012.

**SO ORDERED.**

Dated: May 23, 2012  
Brooklyn, New York

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Kiyo A. Matsumoto  
United States District Judge  
Eastern District of New York